

REMARKS

STATUS OF THE CLAIMS

Claims 1-9, 11-26, and 36 are pending in the application. Claims 1-9, 11-26 and 36 are rejected. Claim 8 has been amended to clarify its scope. Applicant respectfully traverses the rejections and address them in detail below.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-3, 5, 7, 9, 11-14, 20-22 and 24 are rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,502,268 to Ashelin, *et al.* Applicant respectfully traverses these rejections.

A Section 102 rejection is proper only if each and every element, as set forth in the claim, is found – i.e., the prior art must teach every aspect of the claim. *See Verdegall Bros. v. Oil Co. of California*, 918 F.2d 628, 631 (Fed.Cir. 1987); see also M.P.E.P. § 2131.

Ashelin, *et al.* does not teach or suggest the combination recited by independent claim 1 and its dependent claims 2-9 and 36. For example, claim 1 recites, “a lip holder comprising at least two lip supporting positions wherein each of the lip supporting positions, when fully engaged by the lip, stops downward travel of the lip.” For example, item 98, as shown in FIG. 9 of Ashelin, is not a lip support that “stops downward travel of the lip,” but rather item 98 is a wedge installed above rollers 64 and 66 is used to guide the lower edge of the lip 18 around the roller housing. See col. 5, lines 1-4. Thus, the second body identified by the Examiner 98 as a lip supporting position is merely a ramp to guide the lip to a lower position and is not capable of supporting the lip or ramp. Thus, Applicant respectfully requests the rejection of claim 1-9 and 36 under 35 U.S.C. § 102 in view of Ashelin be removed.

Ashelin does not teach or suggest the combination recited by independent claim 11 or its dependent claims because, for example, independent claim 11 recites, “a lip holder comprising at

least two lip supporting positions wherein each of the at least two lip supporting positions is configured to engage the lip and stop downward travel of the lip.” As mentioned above, Ashelin does not provide a teaching or suggestion at least two lip supporting positions that stop downward travel of the lip. Therefore, Applicant respectfully requests that the Section 102 rejections of claims 11-14 and 20-22, in view of Ashelin, be withdrawn.

Ashelin does not teach or suggest a method recited by independent claim 24 and its dependent claims 25 and 26. For example, Ashelin does not teach a method that includes, as recited by claim 24: “securing a first lip engagement apparatus below the ramp in a location wherein the first lip engagement apparatus is configured to engage and stop downward travel of the lip when fully engaged by the lip when the lip is in a pendant position and the ramp is in a substantially dock level position” at least for the reasons described above. Therefore, Applicant respectfully requests that the rejection of claims 24-26, in view of Ashelin, be withdrawn.

Claims 1, 2, 4, 6, 8, 11, 20 and 23 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,920,598 to Hahn. Applicant respectfully traverses these rejections.

The Examiner, on page 10 of the Office Action, asserts that Hahn, in FIGS. 1-5, illustrates “several embodiments of a single support apparatus (28), each having a pair of surfaces that could be used to receive and support the lip, the rear surface being below or lower than the front support surface.” However, this interpretation is based on a misreading of Hahn. At best, Hahn shows a lip keeper 28 that has one, and only one, support position identified in FIGS. 2 and 5 as “N.” N is a cavity within feature 28 and N prime is an outer wall that cams the lip’s lower edge slightly toward the notch inner wall whereby lip edge is retained in the notch as the lip moves downwardly. See col. 4, lines 6-11. Nowhere in Hahn is the surface that the Examiner contends could be used to receive and support the lip is taught or suggested to stop the downward travel of the lip. It is not taught or suggested in Hahn that the lip could even contact the rear surface characterized by the examiner as a second supporting surface. Hahn does not

teach or suggest that the lip of Hahn could be pivoted enough to contact the second surface identified by the Examiner. Even if the lip of Hahn could contact the second surface, (and Hahn does not suggest that the lip could) nowhere does Hahn teach or suggest that the second surface can prevent the lip from further pivoting and slide off the second surface to prevent the continued downward motion of the lip as recited in the claim. Thus, at best, Hahn describes a lip keeper with only one support position, namely N.

Any assumption that the second surface could be contacted by the lip or used to stop the downward movement of the lip of the Hahn is conjecture and speciation, not taught by Hahn. For at least this reason, Hahn does not teach or suggest the combination claimed in claims 1, 2, 4, 6, 8, 11, 20 and 23. Therefore, Applicant respectfully requests that the rejection of these claims in view of Hahn be removed.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claim 26 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ashelin. However claim 26 is dependent from claim 24. Therefore, claim 26 is patentable at least by reason of its dependency upon claim 24 which has been shown above to be patentable over Ashelin. Therefore, Applicant respectfully requests that the rejections under 35 U.S.C. § 103, of claim 26, be removed.

Claims 15-19 and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hahn in view of U.S. Patent No. 5,440,772. However, claims 15-19 and 36 are dependent upon claim 11, which has been shown to be patentable over Hahn above. Therefore, claims 15-19 and 36 are patentable at least by reason of their dependency. Therefore, Applicant respectfully requests that the rejections under 35 U.S.C. § 103 of claims 15-19 and 36 over Hahn, in view of Springer, be withdrawn.

The Examiner rejected some of the arguments for allowability of some of the dependent claims set forth in the previous response under 37 C.F.R. § 1.111(b) as being a general allegation

of allowability without specifically pointing out how the language of the claims patentability distinguishes them from the references. Applicant respectfully disagrees with this assertion. These claims are allowable at least by reason of their dependency of the base claims. Language in the base claim has been shown to be patentably distinct from the references in detail. These arguments are applicable to the dependent claims as a matter of course and will not be repeated.

CONCLUSION

In view of the foregoing, reconsideration and allowance of the application are believed in order, and such action is earnestly solicited. Any extension of time necessary to prevent abandonment is hereby requested, and any fee necessary for consideration of this response is hereby authorized to be charged to Deposit Account No. 50-2036.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned attorney at 202/861-1792.

Respectfully submitted,

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